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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/888,345

06/22/2001

Michael Gary Platner

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23464

7590

01/24/2007

BUCHANAN INGERSOLL & ROONEY PC

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ALEXANDRIA, VA 22313-1404

EXAMINER

MISIASZEK, MICHAEL

ART UNIT

PAPER NUMBER

3625

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/888,345	<b>Applicant(s)</b> PLATNER ET AL.	
	<b>Examiner</b> Michael Misiaszek	<b>Art Unit</b> 3625	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 32-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Prosecution Status***

Applicants arguments filed 10/27/2006 have been received and reviewed. The status of the claims is as follows:

Claims 32-38 are pending.

### ***Claim Objections***

Claim 38 is objected to because of the following informalities: "entitle" in claim 38 should be changed to -- entitles --. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

**1. Claims 32, 33, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messner (US 6370514 B1) in view of Hinrichs et al. (US 20010007098 A1, hereinafter Hinrichs).**

Regarding Claim 32

Messner discloses a method comprising the steps of:

- receiving payment from a purchaser for a certificate for an online product of a vendor, said certificate comprising an authorization code having at least one characteristic that identifies said purchaser (at least column 6, lines 24-40: purchase pays for monetary value of certificate, certificate comprises account number which can be used to identify purchaser)
- providing said certificate in a physical form to said purchaser (at least column 11, lines 10-20: purchaser may receive physical gift card)
- providing said online product to said user in response to entry of said authorization code (at least column 10, lines 14-58: product delivered when account number verified and transaction completed)

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Messner does not explicitly disclose:

- receiving entry of said authorization code on a web site via which said online product can be obtained, wherein said authorization code is entered on said web site by a user to whom said certificate has been transferred from the purchaser
- determining the identity of said purchaser from the authorization code received from said user

Hinrichs teaches that it is known to include receiving an authorization code on a web site (at least paragraph [0065]: user enters award code on merchant site) and determining the identity of the purchaser from the authorization code (at least paragraph [0066]: reports sent to award account provider; identity of provider must be determined in order to send report) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method of Messner with the authorization code entry and purchaser identification, as taught by Robertson, since such a modification would have provided more efficient management of gift accounts (at least paragraph [0066] of Hinrichs).

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Regarding Claims 33, 37, 38

Messner discloses:

- said certificate designates a specific online product of the vendor to be provided to the user (at least column 3, lines 20-26: direct recipient to specific product)
- said certificate entitles the user to obtain the online product for no fee (at least column 6, lines 24-30: certificate has monetary value associated with it that can be used to purchase entire product)
- said certificate entitles the user to obtain the online product at a reduced fee (at least column 6, lines 59-67: discounts can be applied)

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**2. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messner in view of Hinrichs, as applied to claim 32 above, and further in view of Barrot et al. (US 20030212611 A1, hereinafter Barrot).**

Messner and Hinrichs disclose the claimed invention except for:

- said online product pertains to the funeral industry

Barrot teaches that it is known to offer online products pertaining with the funeral industry (at least abstract) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by Messner, with the offering of online products pertaining to the funeral industry, as taught by Barrot, since such a modification would have provided a means for a funeral provider to inform families and friends of the deceased about additional products not displayed on the showroom floor of the funeral home (at least paragraph [0005] of Barrot).

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**3. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Messner in view of Hinrichs, as applied to claim 32 above, and further in view of Dixon, III et al. (US 20010037236 A1, hereinafter Dixon).**

Messner and Hinrichs disclose the claimed invention except for:

- said certificate is made of paper and comprises multiple pages of material

Dixon teaches that it is known to include a paper certificate comprising multiple pages (at least paragraph [0065]: coupon booklet made of paper and has multiple sheets) in a similar environment. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method, as taught by Messner, with the certificate made of paper and having multiple pages, as taught by Dixon, since such a modification would have provided a booklet having a plurality of items with information identifiable with a single bar code (at least paragraph [0011] of Dixon).



***Response to Arguments***

Applicant's arguments with respect to claims 32-38 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Misiaszek whose telephone number is (571) 272-6961. The examiner can normally be reached on 8:00 AM - 4:30 PM, Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Smith can be reached on (571) 272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael A. Misiaszek  
Patent Examiner  
1/17/2006



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